

of Art. 22 of the Declaration of Rights and Amendment V to the Constitution of the United States. The language and style are changed for the purpose of clarification and orderliness.

SEC. 9-108. PERSON LICENSED TO PRACTICE LAW.

A PERSON MAY NOT BE COMPELLED TO TESTIFY IN VIOLATION OF THE ATTORNEY - CLIENT PRIVILEGE.

REVISOR'S NOTE: This section is new language which does not presently appear in the Code, but is a common law principle that has been long established. Morris v. State, 4 Md. App. 252, 254 (1968); Bris Reality v. Phoenix, 238 Md. 84, 89-90 (1965). The privilege conferred by this principle may be waived in by the client if he so chooses. The cases do not look with particular favor upon a lawyer testifying for his client, but do recognize that this may be done when there is a waiver. The question of whether an employee of the attorney could testify would depend upon the nature of the testimony that the employee was called to produce. If it related to the privilege, it would not be acceptable under this section. For purposes of logic and clarity it appears here as a proper directive.

SEC. 9-109. LICENSED PSYCHIATRIST OR PSYCHOLOGIST.

(A) DEFINITIONS.

(1) "AUTHORIZED REPRESENTATIVE" MEANS A PERSON AUTHORIZED BY THE PATIENT TO ASSERT THE PRIVILEGE GRANTED BY THIS SECTION AND UNTIL PERMITTED BY THE PATIENT TO MAKE DISCLOSURE, THE PERSON WHOSE COMMUNICATIONS ARE PRIVILEGED.

(2) "CERTIFIED PSYCHOLOGIST" MEANS A PERSON CERTIFIED AS A PSYCHOLOGIST UNDER THE LAWS OF MARYLAND.

(3) "PATIENT" MEANS A PERSON WHO COMMUNICATES OR RECEIVES SERVICES REGARDING THE DIAGNOSIS OR TREATMENT OF HIS MENTAL OR EMOTIONAL DISORDER FROM A PSYCHIATRIST, CERTIFIED PSYCHOLOGIST, OR ANY OTHER PERSON PARTICIPATING DIRECTLY OR VITALLY WITH EITHER IN RENDERING THOSE SERVICES IN